

PENACHIO MALARA LLP
Counsel for the Debtor
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HEARING DATE AND TIME
DECEMBER 4, 2019 AT 10:00 AM

Anne Penachio, Esq.

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
In re

CHAPTER 11

CASE NO.: 16-23682(rdd)

ELI MORDECHAI BOBKER,

Debtor.

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LOSS MITIGATION STATUS REPORT

The status report regarding the Loss Mitigation of **ELI MORDECHAI BOBKER**, the debtor herein (the "Debtor"), by his attorneys, **PENACHIO MALARA LLP**, respectfully represents, as follows:

1. Loss Mitigation has been protracted in this case due primarily to a change of servicer (twice) and change in respective law firms. Based upon recent communications with the current counsel for Shellpoint Mortgage Servicing ("Shellpoint"), Nicole LaBletta, Esq. of Pincus Law Group, PLLC, counsel is optimistic that the matter will proceed reasonably quickly from here on out.

BACKGROUND

2. On or about December 6, 2016, the Debtor filed a voluntary petition for relief under Chapter 11 of title 11 of the United States Code.

3. The Debtor is an individual who resides in a home at 2 Holly Lane, Lawrence, NY 11559 (the "Home").

4. At the time of the filing, the Home was encumbered by a first mortgage held by Ocwen Loan Servicing, LLC ("Ocwen").

5. The Debtor filed a loss mitigation request on January 24, 2017 (Dkt. No. 24). An Order granting Loss Mitigation was entered on February 15, 2017 (Dkt. No. 31). Same was served (Dkt. No. 26).

LOSS MITIGATION

6. On February 17, 2017, a Creditor Loss Mitigation Affidavit was filed by McCabe, Weisberg & Conway, P.C. (the "McCabe Firm").

7. On February 21, 2017, we submitted a financial package to the McCabe Firm. A Debtor Loss Mitigation Affidavit was filed as Dkt. No. 37.

8. While receiving numerous additional requests from the McCabe Firm, in or about August 2018, we began receiving separate request for documents from Aldridge Pite, LLP (the "Aldridge Firm"). In an e-mail dated August 23, 2019, Ms. Percan of the Aldridge Firm advised that file had transferred to their office from the McCabe Firm for handling.

9. On September 26, 2018, I reached out to the Aldridge Firm stating that until they were properly reflected on the docket as representing Ocwen, documents would not be supplied to them. Upon information and belief, a Notice of Appearance was never filed on behalf of the Aldridge Firm.

10. On September 27, 2018, we received an e-mail from the McCabe Firm confirming that the loan was reviewed and submitted and they were working on getting a decision rendered prior to the hearing scheduled for that Monday.

11. After almost 2 months without a decision, on November 12, 2018, we received a denial letter from the McCabe Firm.

12. Thereafter, on or about December 12, 2018, we received correspondence from Shellpoint that they had acquired the loan from Ocwen. The correspondence included a package for the Debtor to fill out.

13. The Debtor submitted a package to Shellpoint. In fact, multiple submissions were made including one on June 26, 2018.

14. No decision has been made on this file.

15. The Debtor is willing to resubmit whatever is needed to secure a modification. He is employed and his wife is employed.

Dated: White Plains, New York
November 22, 2019

PENACHIO MALARA LLP

BY: /s/ Anne Penachio

Anne Penachio, Esq.

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cc: Nicole LaBletta, Esq.